

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Inventors : Jan Heeres and Leo J. J. Backx
U.S. Patent No.: 4,267,179
Issued : May 12, 1981
For : HETEROCYCLIC DERIVATIVES OF (4-PHENYLPIPERAZIN-1-YL-ARYLOXYMETHYL-1,3-DIOXOLAN-2-YL)METHYL-1H-IMIDAZOLES AND 1H-1,2,4-TRIAZOLES

Hon. Commissioner of Patents and Trademarks
Box Patent EXT
Washington, D.C. 20231

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DEPUTY ASSISTANT
COMMISSIONER FOR PATENTS

CORRECTION OF APPLICATION FOR EXTENSION OF
PATENT TERM UNDER 35 U.S.C. 156

Dear Sir:

Applicant Janssen Pharmaceutica N.V., a Belgian business corporation, represents that it is the assignee of the entire interest in and to Letters Patent of the United States No. 4,267,179 granted to Jan Heeres and Leo J. J. Backx on May 12, 1981, by virtue of an assignment to Janssen Pharmaceutica N.V. recorded in the United States Patent and Trademark Office on December 22, 1980, at reel 3815, frame 066.

The undersigned Attorney for Applicant recently discovered that the APPLICATION FOR EXTENSION OF PATENT TERM UNDER 35 U.S.C. 156 that was filed on October 30, 1992, for the above-identified patent had an error in calculating the length of extension requested. The correct length of extension to which Applicant is entitled is one thousand nine hundred and twenty-six (1,926) days. The requested extension does not exceed the fourteen year maximum from the date of approval imposed by 35 U.S.C. §156(c)(3). This extension is determined by subtracting:

(I) one-half of the period (a) beginning on the date (June 7, 1984) an exemption under subsection (i) of Section 505 of the Federal Food, Drug, and Cosmetic Act became effective and (b) ending on the date (May 30, 1990) an application for approval under subsection (b) of Section 505 of the Federal Food, Drug, and Cosmetic Act was made [such period being two thousand one hundred and eighty-four days (2,184), one-half of which is one thousand and ninety-two (1,092) days]; from

(II) the period (a) beginning on the date (June 7, 1984) an exemption under subsection (i) of Section 505 of the Federal Food, Drug, and Cosmetic Act became effective and (b) ending on September 11, 1992, the date on which the approved product received permission for commercial marketing under 21 U.S.C. 255, such period being three thousand and eighteen (3,018) days,

the remainder of (II) minus (I) [or 3,018 - 1,092] being one thousand nine hundred and twenty-six (1,926) days.

The Declaration required by 37 CFR 1.740(b) is attached hereto.

Respectfully submitted,



Charles J. Metz
Attorney for Applicant
Registration #20,359

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933

(908) 524-2814

December 13, 1993

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

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U.S. Patent No.: 4,267,179
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DEPUTY ASSISTANT
COMMISSIONER FOR PATENTS

DECLARATION

Dear Sir:

I, Charles J. METZ, residing at 15 Bellegrave Drive, Upper Montclair, New Jersey 07043, declare as follows:

1) THAT I am a Patent Attorney authorized to practice before the United States Patent and Trademark Office (registration number 20,359) and have general authority to act in patent matters before the United States Patent and Trademark Office on behalf of Janssen Pharmaceutica N.V., the owner of the above-identified patent for which term extension is being requested.

2) THAT I have reviewed and understand the content of the attached CORRECTION OF APPLICATION FOR EXTENSION OF PATENT TERM UNDER 35 U.S.C. 156.

3) THAT I believe that U.S. Patent No. 4,267,179 is subject to extension pursuant to 37 C.F.R. 1.710.

4) THAT I believe an extension of one thousand nine hundred and twenty-six (1,926) days of the term of U.S. Patent No. 4,267,179 is justified under 35 U.S.C. §156 and the applicable regulations.

5) THAT I believe U.S. Patent No. 4,267,179 for which the extension is being sought meets the conditions for extension of the term of a patent as set forth in 37 C.F.R. 1.720.

I hereby declare that all statements made herein of my own knowledge are believed true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so make are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any extension of U.S. Patent No. 4,267,179.

Date: December 13, 1993


Charles J. Metz

STATE OF NEW JERSEY)
)
)
) ss.
)
COUNTY OF MIDDLESEX)

BE IT REMEMBERED, that on this 13th day of December, 1993, before me, a Notary Public, personally appeared Charles J. Metz, who I am satisfied is the person named in and who executed the foregoing instrument in my presence, and I having first made known to him the contents thereof, he did acknowledge that he signed, sealed, and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.



Notary Public
JOAN WEISS
Notary Public of New Jersey
My Commission Expires Sept. 11, 1995